



POLICY No: WSC062

POLICY FOR PUBLIC INTEREST DISCLOSURES

[PID ACT]





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Wyong Shire Council [WSC] supports Councillors and its employees who wish to report corrupt conduct, maladministration or serious and substantial waste.

A. POLICY SUMMARY

This Policy is based on the Model internal reporting policy – Local Government issued by the NSW Ombudsman.

A.1. The *Public Interest Disclosures Act 1994 (PID Act)* establishes an internal system to encourage and facilitate the reporting of disclosures of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention or local government pecuniary interest contravention by Wyong Shire Council (WSC)'s staff and its Councillors. This system enables people working within WSC, who make complaints, to minimise their risk of reprisal. The system enables internal disclosures to be made to the General Manager [GM], the Internal Ombudsman and General Legal Counsel. Councillors may report matters to the Mayor or the General Manager.

B. PURPOSE OF THE POLICY

- B.1. WSC is committed to protecting staff, elected members of Council and all personnel who report wrongdoing in the work place. This policy is designed to complement normal communication channels between supervisors and staff to encourage and facilitate disclosures of maladministration, serious and substantial wastage, corrupt conduct, contraventions of government information legislation or local government pecuniary interest contravention. Staff are encouraged to continue to raise matters not covered by this policy at any time with their supervisors.
- B.2. Wyong Shire Council [WSC] **Public Interest Disclosure Policy [PID]** covers all elected members of Council, all personnel employed by WSC, any person or organisation contracted to or acting on behalf of WSC and any person or organisation employed to work on WSC premises or facilities.
- B.3. Some reports of wrongdoing may be classified as "public interest disclosures" under the *Public Interest Disclosures Act 1994 (PID Act)*. This policy specifically addresses those types of reports. A disclosure is protected by the Act if it is information that the person making it **honestly believes, on reasonable grounds, shows or tends to show** one of the types of conduct that disclosures can be made about.
- B.4. Other reports of wrongdoing may not meet the definition of "public interest disclosures", however WSC supports and encourages such reports as WSC does not condone or tolerate any wrongdoing in the workplace.
- B.5. In addition to this policy, staff should refer to the Code of Conduct which sets out the standards of conduct and behaviour expected of all WSC staff.

C. WHAT SHOULD BE REPORTED?

- C.1. You should report any wrongdoing you see.
- C.2. Reports about the four categories of serious wrongdoing - **corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention** - will be dealt with under the PID Act as public interest disclosures and in accordance with this policy.
- C.3. Other wrongdoing or misconduct will be dealt with according to the relevant legislation, the Code of Conduct or policy referred to below.

C.4. Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

Categories of serious wrongdoing covered by this Policy:		
(1) Corrupt Conduct	<p>Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could include:</p> <ul style="list-style-type: none"> • the improper use of knowledge, power or position for personal gain or the advantage of others; • acting dishonestly or unfairly, or breaching public trust; • a member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust 	<ul style="list-style-type: none"> • This Policy • WSC Internal Ombudsman • NSW Ombudsman • Independent Commission Against Corruption
(2) Maladministration	<p>Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this could include:</p> <ul style="list-style-type: none"> • making a decision and/or taking action that is unlawful • refusing to grant someone a licence for reasons that are not related to the merits of their application 	<ul style="list-style-type: none"> • This Policy • WSC Internal Ombudsman • NSW Ombudsman
(3) Serious & Substantial Waste	<p>Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council. For example, this could include:</p> <ul style="list-style-type: none"> • poor project management practices leading to projects running over time • having poor or no processes in place for a system involving large amounts of public funds 	<ul style="list-style-type: none"> • This Policy • WSC Internal Ombudsman • NSW Ombudsman • NSW Auditor-General's Office
(4) Government Information Contravention	<p>A government information contravention is a failure to properly fulfil functions under the <i>Government Information (Public Access) Act 2009 (NSW)</i> (GIPA Act). For example, this could include:</p> <ul style="list-style-type: none"> • destroying, concealing or altering records to prevent them from being released • knowingly making decisions that are contrary to the legislation • directing another person to make a decision that is contrary to the legislation 	<ul style="list-style-type: none"> • This Policy • WSC Internal Ombudsman • NSW Ombudsman • Information Commissioner

Other wrongdoing:		
(5) Local government pecuniary interest contravention	<p>A local government pecuniary interest contravention is a failure to fulfil certain functions under the <i>Local Government Act 1993 (NSW)</i> relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings.</p>	<ul style="list-style-type: none"> • This Policy • WSC Internal Ombudsman • NSW Ombudsman • Division of Local Government

	<p>A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include:</p> <ul style="list-style-type: none"> • a senior council staff member recommending a family member for a council contract and not declaring the relationship • a general manager holding an undisclosed shareholding in a company competing for a council contract 	
<p>(6) Other wrongdoing</p>	<p>Although reports about the previous four categories of conduct can attract the specific protections of the PID Act and this Policy, employees and other persons covered by this Policy should report all activities or incidents that they believe to be wrong. For example, these could include:</p> <ul style="list-style-type: none"> • harassment or unlawful discrimination • reprisal action against a person who has reported wrongdoing • practices that endanger the health or safety of staff or the public <p>These types of issues should be reported in line with the applicable laws or WSC policy and/or procedure.</p>	<ul style="list-style-type: none"> • WSC Internal Ombudsman • Code of Conduct • Personnel Policy & Procedure Manual • Occupational Health & Safety Policy and Management System • Community Feedback & Complaint Management Policy

C.5. For more information about maladministration, see the NSW Ombudsman's guideline on what can be reported.

C.6. Even if these reports are not dealt with as public interest disclosures, Council *will* consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

D. WHEN WILL A REPORT BE PROTECTED?

D.1 WSC will support any staff who report wrongdoing.

D.2. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the PID Act.

D.3. These requirements are:

- the person making the disclosure must honestly believe on reasonable grounds that the information shows, or tends to show, wrongdoing and
- the report has to be made to one or more of the following:
 - a position nominated in this policy - see N.6., N.7., N.8 below
 - the General Manager see: N.5; or
 - one of the investigating authorities nominated in the PID Act - see O.4 below
- the report must be made voluntarily. Reports made in accordance with any rules or guidelines set out in the Code of Conduct are also considered to be voluntary
- The report must be made in accordance with this Policy and any associated procedures.

D.4. Reports by staff and councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the Council
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action

E. WSC COMMITMENT

E.1 WSC will:

- protect staff who make disclosures from any adverse action motivated by their report
- keep the identity of the reporting staff member confidential, wherever possible and appropriate
- deal with reports thoroughly and impartially and, if some form of wrongdoing has been found, take appropriate action to rectify it
- keep staff who make reports informed of their progress and the outcome
- respect any decision to disclose wrongdoing outside the organisation - if that outside disclosure is made in accordance with the PID Act
- ensure Council managers and supervisors understand the benefits of reporting wrongdoing, are familiar with this policy, and are aware of the needs of those who report wrongdoing

E.2. WSC will also provide adequate resources to:

- encourage reports of wrongdoing
- protect and support those who make them
- provide training for key personnel
- investigate allegations
- properly manage any workplace issues that the allegations identify or create
- remedy any wrongdoing that is found
- re-assess / review the policy at least every two years to ensure it is still relevant and effective

F. ROLES AND RESPONSIBILITIES OF STAFF

F.1. This policy applies to all people who perform public official functions including:

- Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- volunteers
- individual contractors working for Council

- F.2. In this policy the term "staff" means all persons who perform public official functions including those persons listed above unless the context in which the term staff appears makes it clear that it applies only to Council employees.
- F.3. Staff should be aware there are various Council policies in addition to this policy that applies to wrongdoing. Each staff member should make themselves familiar with the listed associated documents, to follow the correct procedure in dealing with such conduct.
- F.4. The following associated documents and procedures should be read in conjunction with this Policy:
1. Code of Conduct
 2. Community Feedback and Complaint Management Policy

If you become aware of a colleague who has made a disclosure we encourage you to support that person and protect their confidentiality.

- F.5. WSC will not tolerate any person who performs public official functions victimizing or harassing anyone who has made a disclosure.

G. HOW TO MAKE A REPORT

- G.1. You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.
- G.2. If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.
- G.3. If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

H. CAN A REPORT BE ANONYMOUS?

- H.1. There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by WSC, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.
- H.2. It is important to realise that anonymous disclosures may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

I. MAINTAINING CONFIDENTIALITY

- I.1. Many staff will want their report to remain confidential. This can help to prevent any action being taken for reporting wrongdoing.
- I.2. We are committed to keeping your report confidential and your identity confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.
- I.3. If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.
- I.4. If you report wrongdoing, you should only discuss your report with those dealing with it. This *will* include the Disclosures Coordinator and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

J. PROTECTION AGAINST REPRISALS

- J.1. The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.
- J.2. *WSC will not tolerate* any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that may result in disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.
- J.3. Detrimental **action means action causing, comprising or** involving any of the following:
- injury, damage or loss
 - intimidation or harassment
 - discrimination, disadvantage or adverse treatment in relation to employment
 - dismissal from, or prejudice in, employment
 - disciplinary proceedings

K. RESPONDING TO REPRISALS

- K.1. WSC will act to protect staff who report wrongdoing from reprisals.
- K.2. When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.
- K.3. If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately.
- K.4. All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager.
- K.5. If the Disclosures Coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:
- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
 - give the results of that investigation to the General Manager for a decision
 - give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
 - if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
 - take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
 - refer any evidence of reprisal action to the Police, DPP or other investigative authority
- K.6. If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.
- K.7. The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions.

- K.8. These may include:
- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
 - relocating the member of staff who made the disclosure or the subject officer within the current workplace
 - transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
 - granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure
- K.9. These directions will only be taken if the member of staff who made the disclosure agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support - and it is not a punishment.
- K.10 If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the NSW Ombudsman or the ICAC - depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

L. PROTECTION AGAINST LEGAL ACTION

- L.1 If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and any action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

M. SUPPORT FOR THOSE REPORTING WRONGDOING

- M.1. WSC will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process - such as stress management, counselling services, legal or career advice.
- M.2. We also have staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal. Any request for support should be made to *Council's* Disclosures Coordinator the Internal Ombudsman.
- M.3. All supervisors must notify the Disclosures Coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

N. WHO CAN RECEIVE A REPORT IN WSC

- N.1. You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that - for a report to be a protected disclosure - it must be made to a public official in accordance with Council's disclosure procedures. For WSC, this means *this policy* and any supporting procedures.
- N.2. Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the *procedures and/or guidelines* supporting this policy.
- N.3. If you are a member of Council staff and your report involves a Councillor, you should make your report to the General Manager or the Mayor. If you are a Councillor and your report is about another Councillor, you should make your report to the General Manager or the Mayor.

N.4. Only the following staff within WSC can receive a protected disclosure.

N.5. **a. General Manager**

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified

The General Manager must make sure there are systems in place in WSC to support and protect staff who report wrongdoing.

The General Manager is also responsible for referring actual or suspected corrupt conduct to the Independent Commission against Corruption.

The current General Manager is Michael Whittaker. Address: PO BOX 20 WYONG NSW 2259, email: Michael.whittaker@wyong.nsw.gov.au, telephone 02 4350 5200.

N.6. **b. Mayor**

If you are making a report about the General Manager, you should make your report to the Mayor.

The Mayor is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified

The Mayor must make sure there are systems in place in Council to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission against Corruption.

The current Mayor is Robert (Bob) Graham. Address: PO BOX 20 WYONG NSW 2259, email: grahamb@wyong.nsw.gov.au, telephone 02 4350 5211.

N.7. **c. Disclosures Coordinator**

The Disclosures Coordinator has a central role in dealing with reports made by staff. The Disclosures Coordinator's role is to receive them, assess them, and refer them to the people within WSC who can deal with them appropriately. **Council's Disclosures Coordinator is the Internal Ombudsman.**

The current WSC Disclosures Coordinator is

Lilly Mojsin, Internal Ombudsman, PO BOX 20 WYONG NSW 2259, email: lmojsin@wyong.nsw.gov.au, telephone 02 4350 5371;

N.8.

d. Disclosures Officers

Disclosures officers work with the Disclosures Coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with the PID Act and this Policy.

The current WSC Disclosures Officers are:

Lilly Mojsin, Internal Ombudsman, PO BOX 20 WYONG NSW 2259,
email: lmojsin@wyong.nsw.gov.au, telephone 02 4350 5371; and

Brian Glendenning, General Counsel, PO BOX 20 WYONG NSW 2259,
email: brian.glendenning@wyong.nsw.gov.au, telephone 02 4350 5590.

O. WHO CAN RECEIVE A REPORT OUTSIDE OF THE WSC

- O.1. Staff are encouraged to report wrongdoing within WSC, but internal reporting is not the only option. By following the guidance below, a report can still be a protected disclosure.
- O.2. You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to WSC. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.
- O.3. You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.
- O.4.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to WSC, these authorities are:

- the Independent Commission against Corruption (ICAC) -for corrupt conduct
 - the NSW Ombudsman - for maladministration
 - the Police Integrity Commission (PIC) - for police misconduct
 - the PIC Inspector - for disclosures about the PIC or its staff
 - the Division of Local Government, Department of Premier and Cabinet - for corrupt conduct, maladministration, serious and substantial waste of local government money, government information contravention or local government pecuniary interest contravention (reports about serious and substantial waste in State government agencies should be made to the Auditor General)
 - the ICAC Inspector - for disclosures about the ICAC or its staff
 - the Information Commissioner - for disclosures about a government information contravention
- O.5. You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.
 - O.6. You should be aware that it is very likely the investigating authority will discuss YOUR DISCLOSURE with the WSC. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

O.7. b. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this policy; or
- an investigating authority in accordance with the PID Act

Also, Council an investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result; or
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated

O.8. Most importantly - to be protected under the PID Act - if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

O.9. If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or 'Council's Code of Conduct - by, for example, disclosing confidential information.

O.10. For more information about reporting wrongdoing outside WSC contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

P. FEEDBACK TO STAFF WHO REPORT WRONGDOING

P.1. Staff who report wrongdoing will be told what is happening in response to their report.

P.2. When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening

P.3. The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within five working days from the date you make your report.

P.4. After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within WSC to handle any concerns you may have

- information about external agencies and services you can access for support
- P.5. This information will be given to you within 10 working days from the date you make your report.
- P.6. During any investigation, you will be given:
- information on the ongoing nature of the investigation
 - information about the progress of the investigation and reasons for any delay
 - advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this
- P.7. At the end of any investigation, you will be given:
- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
 - advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings

Q. SANCTIONS FOR MAKING FALSE OR MISLEADING DISCLOSURES

- Q.1. It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

R. SUPPORT FOR THE SUBJECT OF A REPORT

- R.1. WSC is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:
- treated fairly and impartially
 - told your rights and obligations under our policies and procedures
 - kept informed during any investigation
 - given the opportunity to respond to any allegation made against you
 - told the result of any investigation

S. REVIEW

- S.1. This policy will be reviewed by Council at least every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

T. MORE INFORMATION

- T.1. *For further information please refer to WSC's Public Interest Disclosures Procedures which support this policy.*
- T.2. More information around public interest disclosures is available on our intranet. Staff can also access advice and guidance from WSC's Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

U. Resources

- U.1. The contact details for external investigating authorities that staff can make a protected disclosure to, or seek advice from, are listed below.

For disclosures about corrupt conduct:
Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
[Email: icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)
www.icac.nsw.gov.au
Address:
Level 21, 133 Castlereagh Street,
Sydney NSW 2000

For disclosures about serious and substantial waste:
Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
[Email: mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)
www.audit.nsw.gov.au
Address:
Level 15, 1 Margaret Street,
Sydney NSW 2000

For disclosures about police misconduct:
Police Integrity Commission (PIC)
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799 [Email: contactus@pic.nsw.gov.au](mailto:contactus@pic.nsw.gov.au)
www.pic.nsw.gov.au
Address: Level 3, 111 Elizabeth Street,
Sydney NSW 2000

Address: 5 O'Keefe Avenue,
Nowra, NSW 2541

For disclosures about maladministration:
NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
[Email: nswnmbo@ombo.nsw.gov.au](mailto:nswnmbo@ombo.nsw.gov.au)
www.ombo.nsw.gov.au
Address:
Level 24, 580 George Street,
Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies: Division
of Local Government in the Department of
Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428
4209 Facsimile: 02 4428 4199
[Email: dlq@dlq.nsw.gov.au](mailto:dlq@dlq.nsw.gov.au)
www.dlq.nsw.gov.au

For disclosures about breaches of the GIPA Act:
Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
[Email: oiinfo@oic.nsw.gov.au](mailto:oiinfo@oic.nsw.gov.au)
www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street,
Sydney NSW 2000

V. Associated documents

- V.1. PID LODGEMENT FORM - SCHEDULE 1
- V. PUBLIC INTEREST DISCLOSURES PROCEDURES – SCHEDULE 2

W. Review

- W.1. This policy will be reviewed by WSC at least every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.**

SCHEDULE 1



PUBLIC INTEREST DISCLOSURE LODGEMENT FORM

COMPLETION OF THIS FORM IS NOT MANDATORY BUT IS DESIGNED TO ASSIST WHEN MAKING A PUBLIC INTEREST DISCLOSURE.

1. Details of Person Making the Disclosure:			
Name of complainant:			
Address:			
Postal Address:			
State:		Post Code:	
Email Address:			
Contact Number:		Mobile Number:	
2. Details of Disclosure:			
Type of Disclosure:	<p><u>The disclosure is about:</u></p> <p>1. Corrupt Conduct</p> <p style="margin-left: 20px;"><input type="checkbox"/> Yes</p> <p>2. Maladministration</p> <p style="margin-left: 20px;"><input type="checkbox"/> Yes</p> <p>3. Serious or Substantial Waste of Public Monies</p> <p style="margin-left: 20px;"><input type="checkbox"/> Yes</p> <p>4. Government Information Contravention</p> <p style="margin-left: 20px;"><input type="checkbox"/> Yes</p> <p>5. Local Government Pecuniary Interest Contravention</p> <p style="margin-left: 20px;"><input type="checkbox"/> Yes</p> <p>6. Other wrongdoing</p> <p style="margin-left: 20px;"><input type="checkbox"/> Yes</p>		

Have you read or accessed Council's Public Interest (Protected) Disclosures Policy prior to making this disclosure?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Particulars of Disclosure: <i>(Please provide attachment if more room is required):</i>	

Do you have a preferred outcome, if so, what outcome is sought:	
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Please list the details of the person(s) that you believe have committed wrongdoing:	<p>1.</p> <p>2.</p> <p>3.</p>
Has the matter been disclosed previously?	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p> <p>If Yes please list the name of the person(s) that has been aware of or responsible for this matter:</p>
Do you have any additional information or documentation related to the disclosure:	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, please attach a copy to this form.</p>
I agree to maintain confidentiality, unless otherwise subsequently agreed in consultation with a PID Coordinator or required by law:	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
3. Declaration:	
I declare that I have disclosed all relevant information and make this disclosure in good faith, with an honest belief on reasonable grounds that the conduct disclosed denotes wrongdoing:	<p><i>Signature:</i></p>
4. Office Use Only:	
Date and Name of PID Officer, General Manager or Mayor receiving disclosure:	
Date and Name of PID Coordinator receiving disclosure:	
Disclosure Classification:	
Relevant TRIM Folder Number:	

SCHEDULE 2



PUBLIC INTEREST DISCLOSURE PROCEDURES

Staff who report wrongdoing will be told what is happening in response to their report. WSC will record the date a Public Interest Disclosure was received, who made it and when the matter was finalised.

A. Council's Disclosures Coordinator will maintain a Register of Disclosures pursuant to the PID Act and will record the date a Public Interest Disclosure was received, who made it and when the matter was finalised.

B. On receipt of a report, the person making the report will be given:

- an acknowledgement letter that the disclosure has been received
- a copy of WSC's PID policy within 45 days after the report is made
- the timeframe for further updates
- the name and contact details of the people who can advise what is happening

C. After a decision is made about how a PID report will be dealt with, the person making the report will, within 10 working days of making the report, be given,:

- information about the action that will be taken in response to the PID report
- likely timeframes for any investigation
- information about the resources available within WSC to handle any concerns
- information about external agencies and services you can access for support

D. During any investigation, the person making the report will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay

- advice if the identity of the person making the report needs to be disclosed for the purposes of investigating the PID report, and an opportunity to talk about this

E. At the end of any investigation, the person making the report will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to the disclosure and any problem that was identified
- advice about whether the person making the disclosure will be involved as a witness in any further matters, such as disciplinary or criminal proceedings

F. A register of disclosures will be kept by the Disclosures Coordinator and individual files for each disclosure made.

- Access can only be gained to the register and the individual files by the Disclosures Co-ordinator and the General Manager. Security will be set against View Metadata and View Document.
- Entries to the Register will be made by the Disclosures Co-ordinator
- From 1 January 2012 WSC will collect information about each public interest disclosure received including: the date received, who made it and when the matter was finalised.
- WSC will report to the NSW Ombudsman a summary of statistical information about the public interest disclosures received during the six months from 1 January 2012
- WSC will report on its activities in implementing the public interest disclosures system, including statistical information about the disclosures it has received since 1 January 2012, in their Annual Reports.

G. The Register will contain the following as a minimum:

- 1 Date disclosure made and date disclosure received by the Co-ordinator
- 2 Name of person making the disclosure;
- 3 Name of person to whom the disclosure was made;
- 4 Name of person against whom the disclosure was made;

- 5 A brief but descriptive summary of the disclosure;
- 6 A determination as to whether or not the disclosure is to be investigated. If a disclosure is not to be investigated a clear but brief statement as to the reason, eg frivolous, false, misleading, vexatious etc;
- 7 If a disclosure is to be investigated a clear but brief statement of the grounds on which a decision to investigate was made, eg possible corruption, maladministration, serious and substantial waste, etc
- 8 Details of the finding;
- 9 Details of date of any advice or reports to outside authorities, where appropriate;
- 10 Date of advice or report to the General Manager;
- 11 Date person making the disclosure advised;
- 12 Date person the subject of the disclosure advised.

This Register will provide the base source of the information required for the periodic review of the Disclosure Procedure.

H. Material to be placed on files will include:

- 1 The original disclosure;
- 2 File notes by the Disclosures Co-ordinator of any verbal inquiries made and the responses;
- 3 Copies of hard copy inquiries made and the responses;
- 4 File notes and responses relating to any investigations made;
- 5 Hard copy of any material relating to any investigation undertaken;
- 6 Copy of the determination made;
- 7 Copy of, where appropriate, any report to an outside agency on the disclosure;
- 8 Copy of advices to the General Manager; the person making the disclosure; the person the subject of the disclosure.